

IN THE DRAWINGS

Applicant submits herewith proposed drawing corrections to Figure 3 in response to the Examiner's objection to the same. In particular, applicant has attempted to add the hook and loop fastener that is "underneath" the loops 305 as recited in the specification. A separate sheet indicating "Annotated" is submitted herewith in accordance with 37 C.F.R. §1.121(d). No new matter has been added by this amendment.

Applicant further submits a proposed drawing change to Figure 6 correcting the disposition of loops 305 around headband 170 as shown in Figure 4 and described and set forth throughout the specification. A separate sheet indicating "Annotated" is submitted herewith in accordance with 37 C.F.R. §1.121(d). No new matter has been added by this amendment.

Applicant will submit formal replacement sheets for these amended drawings upon approval of the same by the Examiner.

REMARKS

The Office Action mailed July 7, 2005 has been reviewed and carefully considered.

Claims 1, 13, 16 and 19 have been amended. Claims 1-36 remain pending in this application.

Applicant acknowledges the Examiner's indication of allowable subject matter in the application. In particular, claims 21-27 have been indicated as allowable if re-written to include all the limitations of the based and any intervening claims.

Reconsideration of the above-identified application, as herein amended and in view of the following remarks, is respectfully requested.

The drawings have been objected to under 37 C.F.R. §1.83(a) for failing to show every feature of the claimed invention. Applicant has submitted with this response, proposed drawing amendments to FIGS. 3 and 6 in an effort to comply with the Examiner's requirements. Separate sheets marked "annotated" in accordance with 37 C.F.R. §1.121(d) is attached to this response. Applicant believes the specification and drawings clearly explain the hook and loop fasteners 322 and their location "under" the loop 305. Applicant will submit formal replacement sheets upon approval of the amendments by the Examiner.

The specification has been objected to under 35 U.S.C. §112, second paragraph, for failing to provide proper antecedent basis for the claimed subject matter. Applicant has submitted an amendment to the specification at Page 5, lines 17-20 adding the language of originally submitted claims 2 and 3. Withdrawal of the objection is respectfully requested.

Claims 13, 16 and 19-27 have been rejected under 35 U.S.C §112, second paragraph. Claims 13, 16 and 19 have been amended to correct the antecedent basis issues with the same. Withdrawal of the rejection is respectfully requested.

Claim 21 has been rewritten in independent form to include the limitations of claims 1 and 19, except for the term “nylon” modifying the hardware component “straps”, from claim 21. Based on a careful review of the prior art, it appears that claim 21 is allowable based on the hardware recitation of “straps coupled to at least some of the metal fasteners” and does not require the recitation of the specific textile “nylon straps.” If the Examiner would like to re-instate the term “nylon”, he is invited to call the undersigned for prompt authorization of same.

Claim 22 has been rewritten in independent form to include the limitations of claims 1 and 19, and is considered to be in condition for allowance, along with claims 23 – 27 which depend therefrom.

Section 103 - Prior Art Rejections

Claims 1, 2, 13, 16, 31 and 33-36 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Molitoris (USP 3,609,765) in view of Medwell (4,656,674).

The Examiner has cited Molitoris for showing a shell 10, a suspension band 20, and adjustable headband 24, a crown pad 36 and loop connectors 27, 29 securing the headband and crown pad at common points to the suspension band without screws. Medwell has been cited for showing the user of PARA-ARAMID in a helmet environment for providing ballistic protection to the shell.

Applicant has amended claim 1 to recite, *inter alia*, a crown pad connected to the suspension band at points that are separate from the suspension band attachment to the shell and independent from the adjustable headband connections to the suspension band.

As can be seen in Applicants, FIG. 3, the suspension band is attached to the helmet at 181b and d; the headband is connected to the suspension band at 305 (remote from 181b,d); and the crown pad is connected to the suspension band via 310, 315 (separate from 181b,d and independent from 305). Anecdotally, it is the separate and remote suspension band connection to the helmet 181b,d which is common to the nape pad and chin strap subassembly, that resulted in the indication of allowable subject matter in claims 21 and 22.

The helmet suspension of Molitoris teaches and discloses a suspension band 20 having a headband 24, where the headband 24 and crown straps 30 are connected to the suspension band 20 at the same connection points, illustrated in the cross-sectional views of FIGS. 4 and 6. This teaching of Molitoris is completely contrary to the teachings of the present invention because an adjustment of headband 24 will affect crown straps 30, for example by pulling them radially inward, thereby raising the crown pad. As can be seen in Applicants FIG. 3, loop connectors 305, 322 allow an adjustment of the length or height of headband 170 that would be independent of the crown pad strap connectors 310 and 315. As such, Molitoris, taken singly or in combination with any other of the cited references fails to disclose or suggest this aspect of applicant's claimed invention.

Dependent claims 3 – 12, 14, 15, 17 - 20, 28 - 32 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Molitoris (USP 3,609,765) in view of Medwell (4,656,674), and in further view of one or more other references cited by the Examiner.

Applicant respectfully submits that the combination of Molitoris with the teachings of Medwell fails to disclose or suggest the subject matter of applicant's


amended claim 1. Dependent claims 2-20 and 28-36 depend ultimately from claim 1, and are believed to share in the allowability of claim 1 as amended.

In view of the foregoing, Applicant respectfully requests that the rejections of the claims set forth in the Office Action of July 7, 2005 be withdrawn, that pending claims 1-36 be allowed, and that the case proceed to early issuance of Letters Patent in due course.

A Petition for a two-month Extension of Time to Respond to the Office Action and the fee of \$450 is enclosed. It is believed that no additional fees or charges are currently due. However, in the event that any additional fees or charges are required at this time in connection with the application, they may be charged to applicant's representatives Deposit Account No. 50-1433.

Respectfully submitted,
KEUSEY, TUTUNJIAN & BITETTO, P.C.

Dated: Dec. 7, 2005


Edwin H. Keusey
(Reg. No. 34,361)
14 Vanderventer Avenue, Suite 128
Port Washington, New York 11050
(516) 883-3868